

REFERENCE TITLE: driver licenses; exemptions; authorized presence

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2751

Introduced by
Representatives Pearce, Burges: Groe

AN ACT

AMENDING SECTIONS 28-3152 AND 28-3169, ARIZONA REVISED STATUTES; RELATING TO
DRIVER LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-3152, Arizona Revised Statutes, is amended to
3 read:

4 28-3152. Driver license; exemptions; limitation; authorized
5 presence

6 A. Except as provided in ~~subsection~~ SUBSECTIONS B AND C OF THIS
7 SECTION, the following persons are exempt from licensing under this chapter:

8 1. EXCEPT FOR UNITED STATES RESERVE TECHNICIANS, any of the following
9 while operating a commercial motor vehicle for military purposes:

10 (a) Active duty military personnel.

11 (b) Members of the United States military reserve forces.

12 (c) Members of the United States army national guard on active duty or
13 the United States air national guard on active duty, including:

14 (i) Personnel on full-time national guard active duty.

15 (ii) Personnel on part-time national guard training.

16 (d) United States army national guard and United States air national
17 guard military technicians who are civilians and who are required to wear
18 military uniforms.

19 (e) Active duty United States coast guard personnel.

20 ~~This paragraph does not apply to United States reserve technicians.~~

21 2. A person while driving or operating a farm tractor or implement of
22 husbandry that is temporarily operated or moved on a highway.

23 3. A person who is a nonresident, who is at least sixteen years of age
24 and who has in the person's immediate possession a valid driver license
25 issued to the person in the person's home state ~~or country~~ while the person
26 is operating a motor vehicle requiring a class D license.

27 4. A person who is a nonresident, who is at least eighteen years of
28 age and who has in the person's immediate possession a valid commercial
29 driver license or classified license that is issued to the person in the
30 person's home state ~~or country~~ and that authorizes operation of a commercial
31 motor vehicle while the person is operating a motor vehicle requiring a class
32 A, B or C license in this state, except that the person must be licensed
33 under this chapter before accepting employment from a resident of this state
34 involving the operation of a motor vehicle requiring a class A, B or C
35 license.

36 5. A person who is a nonresident, who is at least eighteen years of
37 age and whose home state ~~or country~~ does not require the licensing of
38 operators while the person operates a motor vehicle requiring a class D
39 license for a period of not more than ninety days in a calendar year, if the
40 motor vehicle that the person is operating is duly registered in the home
41 state ~~or country~~ of the nonresident.

42 6. A person who has in the person's immediate possession a valid
43 driver license issued to the person by another state ~~or country~~ while the
44 person is operating a motor vehicle requiring a class D license, who is an
45 employee, agent or consultant of an organization that operates in this state

1 and at least one other state ~~or country~~, who is principally domiciled or
2 employed in another state ~~or country~~ and who is present in this state not
3 more than ninety consecutive days.

4 B. THE FOLLOWING PERSONS WHO ARE CITIZENS OR LEGAL RESIDENTS OF
5 ANOTHER COUNTRY ARE EXEMPT FROM LICENSING UNDER THIS CHAPTER:

6 1. A PERSON WHO IS AT LEAST SIXTEEN YEARS OF AGE AND WHO HAS IN THE
7 PERSON'S IMMEDIATE POSSESSION BOTH OF THE FOLLOWING:

8 (a) EVIDENCE THAT THE PERSON'S PRESENCE IN THE UNITED STATES IS
9 AUTHORIZED BY THE FEDERAL GOVERNMENT.

10 (b) A VALID DRIVER LICENSE ISSUED TO THE PERSON IN THE PERSON'S HOME
11 COUNTRY WHILE THE PERSON IS OPERATING A MOTOR VEHICLE REQUIRING A CLASS D
12 LICENSE.

13 2. A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE AND WHO HAS IN THE
14 PERSON'S IMMEDIATE POSSESSION BOTH OF THE FOLLOWING:

15 (a) EVIDENCE THAT THE PERSON'S PRESENCE IN THE UNITED STATES IS
16 AUTHORIZED BY THE FEDERAL GOVERNMENT.

17 (b) A VALID COMMERCIAL DRIVER LICENSE OR CLASSIFIED LICENSE THAT IS
18 ISSUED TO THE PERSON IN THE PERSON'S HOME COUNTRY AND THAT AUTHORIZES
19 OPERATION OF A COMMERCIAL MOTOR VEHICLE WHILE THE PERSON IS OPERATING A MOTOR
20 VEHICLE REQUIRING A CLASS A, B OR C LICENSE IN THIS STATE, EXCEPT THAT THE
21 PERSON MUST BE LICENSED UNDER THIS CHAPTER BEFORE ACCEPTING EMPLOYMENT FROM A
22 RESIDENT OF THIS STATE INVOLVING THE OPERATION OF A MOTOR VEHICLE REQUIRING A
23 CLASS A, B OR C LICENSE.

24 3. A PERSON WHO IS A NONRESIDENT, WHO IS AT LEAST EIGHTEEN YEARS OF
25 AGE AND WHOSE HOME COUNTRY DOES NOT REQUIRE THE LICENSING OF OPERATORS WHILE
26 THE PERSON OPERATES A MOTOR VEHICLE REQUIRING A CLASS D LICENSE FOR A PERIOD
27 OF NOT MORE THAN NINETY DAYS IN A CALENDAR YEAR IF BOTH OF THE FOLLOWING
28 APPLY:

29 (a) THE PERSON HAS IN THE PERSON'S IMMEDIATE POSSESSION EVIDENCE THAT
30 THE PERSON'S PRESENCE IN THE UNITED STATES IS AUTHORIZED BY THE FEDERAL
31 GOVERNMENT.

32 (b) THE MOTOR VEHICLE THAT THE PERSON IS OPERATING IS DULY REGISTERED
33 IN THE HOME COUNTRY OF THE NONRESIDENT.

34 4. A PERSON WHO HAS IN THE PERSON'S IMMEDIATE POSSESSION BOTH EVIDENCE
35 THAT THE PERSON'S PRESENCE IN THE UNITED STATES IS AUTHORIZED BY THE FEDERAL
36 GOVERNMENT AND A VALID DRIVER LICENSE ISSUED TO THE PERSON BY ANOTHER COUNTRY
37 IF ALL OF THE FOLLOWING APPLY:

38 (a) THE PERSON IS OPERATING A MOTOR VEHICLE REQUIRING A CLASS D
39 LICENSE.

40 (b) THE PERSON IS AN EMPLOYEE, AGENT OR CONSULTANT OF AN ORGANIZATION
41 THAT OPERATES IN THIS STATE AND AT LEAST ONE OTHER STATE OR COUNTRY.

42 (c) THE PERSON IS PRINCIPALLY DOMICILED OR EMPLOYED IN ANOTHER STATE
43 OR COUNTRY AND IS PRESENT IN THIS STATE NOT MORE THAN NINETY CONSECUTIVE
44 DAYS.

1 ~~B.~~ C. A person who is a resident of a foreign country and who
2 operates a commercial vehicle in this state shall HAVE IN THE PERSON'S
3 IMMEDIATE POSSESSION EVIDENCE THAT THE PERSON'S PRESENCE IN THE UNITED STATES
4 IS AUTHORIZED BY THE FEDERAL GOVERNMENT AND SHALL obtain a commercial driver
5 license of the proper class that is issued by this state or another state, if
6 the foreign country does not grant reciprocal driver license privileges to
7 operators of commercial vehicles who are residents of this state.

8 D. A COURT SHALL DISMISS A CITATION FOR A VIOLATION OF SECTION 28-3151
9 IF THE PERSON WHO IS CITED IS EITHER:

10 1. EXEMPT PURSUANT TO SUBSECTION A OF THIS SECTION AND PRESENTS
11 SATISFACTORY EVIDENCE TO THE COURT THAT THE PERSON HAS A VALID DRIVER LICENSE
12 ISSUED BY ANOTHER STATE.

13 2. EXEMPT PURSUANT TO SUBSECTION B OF THIS SECTION AND PRESENTS
14 SATISFACTORY EVIDENCE TO THE COURT IN A MANNER PRESCRIBED BY THE COURT THAT
15 THE PERSON HAS A DRIVER LICENSE ISSUED BY ANOTHER COUNTRY AND THAT THE
16 PERSON'S PRESENCE IN THE UNITED STATES IS AUTHORIZED BY THE FEDERAL
17 GOVERNMENT.

18 E. A PERSON WHO IS A CITIZEN OR A LEGAL RESIDENT OF ANOTHER COUNTRY
19 AND WHO IS ISSUED A CITATION FOR A VIOLATION OF SECTION 28-3151 IS NOT
20 ELIGIBLE TO ATTEND DEFENSIVE DRIVING SCHOOL PURSUANT TO ARTICLE 7 OF THIS
21 CHAPTER UNLESS THE PERSON PRESENTS SATISFACTORY EVIDENCE TO THE COURT IN A
22 MANNER PRESCRIBED BY THE COURT THAT THE PERSON'S PRESENCE IN THE UNITED
23 STATES IS AUTHORIZED BY THE FEDERAL GOVERNMENT.

24 Sec. 2. Section 28-3169, Arizona Revised Statutes, is amended to read:

25 28-3169. Possession and display of driver license; defense

26 A. A licensee shall have a legible driver license in the licensee's
27 immediate possession at all times when operating a motor vehicle. On demand
28 of a justice of the peace, a police officer or a field deputy or inspector of
29 the department, a licensee shall display the license.

30 B. A person who is served a complaint for violating this section is
31 not responsible if the person produces in court or the office of the police
32 officer or field deputy or inspector of the department a legible driver
33 license or an authorized duplicate of the license issued to the person that
34 was valid at the time of the alleged violation of this section.

35 C. A PERSON WHO IS A CITIZEN OR A LEGAL RESIDENT OF ANOTHER COUNTRY
36 AND WHO IS SERVED A COMPLAINT FOR VIOLATING THIS SECTION IS NOT RESPONSIBLE
37 IF THE PERSON PRODUCES IN COURT OR THE OFFICE OF THE POLICE OFFICER OR FIELD
38 DEPUTY OR INSPECTOR OF THE DEPARTMENT SATISFACTORY EVIDENCE THAT THE PERSON'S
39 PRESENCE IN THE UNITED STATES IS AUTHORIZED BY THE FEDERAL GOVERNMENT AND
40 EITHER OF THE FOLLOWING:

41 1. A LEGIBLE DRIVER LICENSE OR AN AUTHORIZED DUPLICATE OF THE LICENSE
42 ISSUED TO THE PERSON THAT WAS VALID AT THE TIME OF THE ALLEGED VIOLATION OF
43 THIS SECTION.

44 2. SATISFACTORY EVIDENCE THAT THE PERSON IS EXEMPT FROM THE LICENSING
45 PROVISIONS OF THIS CHAPTER PURSUANT TO SECTION 28-3152, SUBSECTION B.